

AMENDED IN SENATE AUGUST 13, 1996

AMENDED IN SENATE JULY 11, 1996

AMENDED IN SENATE JULY 3, 1996

AMENDED IN SENATE JUNE 29, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1953**

**Introduced by Assembly Member Baldwin**

February 24, 1995

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An act to add Section 53077.5 to the Government Code, and to amend Section 5353 of the Public Utilities Code, relating to nonprofit youth-serving organizations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as amended, Baldwin. Nonprofit youth-serving organizations: use of public beaches and recreation areas: carrier exemption.

(1) Existing law provides for the use of local public land and property, as specified.

This bill would prohibit any city, county, or state public entity from adopting or enforcing any ordinance, regulation, or other law, "effectively denying the use of, or access to, any public beach or recreation area," as defined, to certain nonprofit tax exempt youth organizations serving youth 18 years of age or younger. The bill would also specifically allow those organizations to commence a civil action to obtain

appropriate injunctive or declaratory relief to enforce that provision, as determined by the court.

(2) Under existing law, the Passenger Charter-Party Carriers' Act, the furnishing of specified passenger transportation services by a charter-party carrier of passengers is subject to the jurisdiction and control of the Public Utilities Commission and is required to be furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would exempt from the act the transportation services *incidental to the operation of a youth camp that are provided by either a nonprofit tax-exempt organization or organization operating an organized camp, as defined, that serves youth 18 years of age or younger* ~~in connection with youth activities sponsored by the organization.~~ The bill would make technical and clarifying changes in related provisions of the act.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53077.5 is added to the  
2 Government Code, to read:  
3 53077.5. (a) No city, county, or state public entity  
4 shall adopt or enforce any ordinance, regulation, or other  
5 law effectively denying the use of, or access to, any public  
6 beach or recreation area to any nonprofit organization  
7 which qualifies for tax exemption pursuant to Section  
8 501(c)(3) of the Internal Revenue Code, and serves  
9 youth 18 years of age or younger, including the Boy  
10 Scouts, the Girl Scouts, the Campfire Boys and Girls, the  
11 YMCA, Boys' and Girls' Clubs, 4H programs, or any  
12 organization that operates an organized camp, as defined  
13 in Section 18897 of the Health and Safety Code.  
14 (b) For purposes of this section, "effectively denying  
15 the use of, or access to, any public beach or recreation  
16 area" means charging a fee or otherwise imposing a cost

1 upon an organization or upon each person using or  
2 accessing the public beach or recreation area under the  
3 sponsorship of the organization, in excess of any fee or  
4 cost that would be charged or imposed if the same  
5 number of persons were to instead use or access the  
6 public beach or recreation area as individuals without any  
7 organizational sponsorship.

8 (c) Any nonprofit organization serving youth which  
9 qualifies for tax exemption pursuant to Section 501(c)(3)  
10 of the Internal Revenue Code youth may commence a  
11 civil action to obtain appropriate injunctive and  
12 declaratory relief to enforce this section, as determined  
13 by the court.

14 SEC. 2. Section 5353 of the Public Utilities Code is  
15 amended to read:

16 5353. This chapter does not apply to any of the  
17 following:

18 (a) Transportation service rendered wholly within the  
19 corporate limits of a single city or city and county and  
20 licensed or regulated by ordinance.

21 (b) Transportation of school pupils conducted by or  
22 under contract with the governing board of any school  
23 district entered into pursuant to the Education Code.

24 (c) Common carrier transportation services between  
25 fixed termini or over a regular route which are subject to  
26 authorization pursuant to Article 2 (commencing with  
27 Section 1031) of Chapter 5 of Part 1 of Division 1.

28 (d) Transportation services occasionally afforded to  
29 farm employees moving to and from farms on which they  
30 are employed, when that transportation is performed by  
31 the employer in an owned or leased vehicle, or by a  
32 nonprofit agricultural cooperative association organized  
33 and acting within the scope of its powers under Chapter  
34 1 (commencing with Section 54001) of Division 20 of the  
35 Food and Agricultural Code, and without any  
36 requirement for the payment of compensation therefor  
37 by the employees.

38 (e) Transportation service rendered by a publicly  
39 owned transit system.

1 (f) Passenger vehicles carrying passengers on a  
2 noncommercial enterprise basis.

3 (g) Taxicab transportation service licensed and  
4 regulated by a city or county, by ordinance or resolution,  
5 rendered in vehicles designed for carrying not more than  
6 eight persons excluding the driver.

7 (h) Transportation of persons between home and  
8 work locations or of persons having a common  
9 work-related trip purpose in a vehicle having a seating  
10 capacity of 15 passengers or less, including the driver,  
11 which are used for the purpose of ridesharing, as defined  
12 in Section 522 of the Vehicle Code, when the ridesharing  
13 is incidental to another purpose of the driver. This  
14 exemption also applies to a vehicle having a seating  
15 capacity of more than 15 passengers if the driver files with  
16 the commission evidence of liability insurance protection  
17 in the same amount and in the same manner as required  
18 for a passenger stage corporation, and the vehicle  
19 undergoes and passes an annual safety inspection by the  
20 Department of the California Highway Patrol. The  
21 insurance filing shall be accompanied by a one-time filing  
22 fee of seventy-five dollars (\$75). This exemption does not  
23 apply if the primary purpose for the transportation of  
24 those persons is to make a profit. "Profit," as used in this  
25 subdivision, does not include the recovery of the actual  
26 costs incurred in owning and operating a vanpool vehicle,  
27 as defined in Section 668 of the Vehicle Code.

28 (i) Medical transportation vehicles, including vehicles  
29 employed to transport developmentally disabled persons  
30 for regional centers established pursuant to Chapter 5  
31 (commencing with Section 4620) of Division 4.5 of the  
32 Welfare and Institutions Code.

33 (j) Transportation services rendered solely within the  
34 Lake Tahoe Basin, comprising that area included within  
35 the Tahoe Regional Planning Compact as set forth in  
36 Section 66801 of the Government Code, when the  
37 operator of the services has obtained any permit required  
38 from the Tahoe Basin Transportation Authority or the  
39 City of South Lake Tahoe, or both.



(k) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of an automobile rental business in vehicles owned or leased by that operator, without charge other than as may be included in the automobile rental charges, to carry its customers to or from its office or facility where rental vehicles are furnished or returned after the rental period.

(l) Subject to Section 34507.6 of the Vehicle Code, transportation service provided by the operator of a hotel, motel, or other place of temporary lodging in vehicles owned or leased by that operator, without charge other than as may be included in the charges for lodging, between the lodging facility and an air, rail, water, or bus passenger terminal or between the lodging facility and any place of entertainment or commercial attraction, including, but not limited to, facilities providing snow skiing. Nothing in this subdivision authorizes the operator of a hotel, motel, or other place of temporary lodging to provide any round-trip sightseeing service without a permit, as required by subdivision (c) of Section 5384.

(m) (1) Transportation of hot air balloon ride passengers in a balloon chase vehicle from the balloon landing site back to the original take-off site, provided that the balloon ride was conducted by a balloonist who meets all of the following conditions:

(A) Does not fly more than a total of 30 passenger rides for compensation annually.

(B) Does not provide any preflight ground transportation services in their vehicles.

(C) In providing return transportation to the launch site from landing does not drive more than 300 miles annually.

(D) Files with the commission an exemption declaration and proof of vehicle insurance, as prescribed by the commission, certifying that the operator qualifies for the exemption and will maintain minimum insurance on each vehicle of one hundred thousand dollars (\$100,000) for injury or death of one person, three hundred thousand dollars (\$300,000) for injury or death

1 of two or more persons and one hundred thousand dollars  
2 (\$100,000) for damage to property.

3 (2) Nothing in this subdivision authorizes the operator  
4 of a commercial balloon operation to provide any  
5 round-trip sightseeing service without a permit, as  
6 required by subdivision (c) of Section 5384.

7 (n) Transportation services ~~provided by incidental to~~  
8 ~~operation of a youth camp that are provided by either a~~  
9 nonprofit organization which qualifies for tax exemption  
10 under Section 501(c)(3) of the Internal Revenue Code or  
11 an organization that operates an organized camp, as  
12 defined in Section 18897 of the Health and Safety Code,  
13 serving youth 18 years of age or younger ~~in connection~~  
14 ~~with youth activities sponsored by the organization.~~

15 SEC. 3. This act is an urgency statute necessary for the  
16 immediate preservation of the public peace, health, or  
17 safety within the meaning of Article IV of the  
18 Constitution and shall go into immediate effect. The facts  
19 constituting the necessity are:

20 In order to ensure that tax-exempt nonprofit  
21 organizations and organizations operating organized  
22 camps serving youth 18 years of age or younger are not  
23 effectively denied the use of, or access to, any public  
24 beach or recreation area by the adoption or enforcement  
25 of an ordinance, regulation, or other law charging a fee,  
26 or otherwise imposing costs upon an organization or upon  
27 each person using or accessing the public beach or  
28 recreation area under the sponsorship of the  
29 organization, in excess of any fee or cost that would be  
30 charged or imposed if the same number of persons were  
31 to instead use or access the beach or recreation area as  
32 individuals without any organizational sponsorship,  
33 beginning with the 1996 summer season, thereby  
34 removing a financial barrier that has prevented many  
35 young people from visiting public beaches or recreation  
36 areas, it is necessary that this act take effect immediately.